

PATENT COOPERATION TREATY

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PCT RANBAXY
P. DEPARTMENT

From the INTERNATIONAL SEARCHING AUTHORITY

To:
RANBAXY LABORATORIES LIMITED
Attn. Deshmukh, Jay R.
600 College Road East
Suite 2100
Princeton, NJ 08540
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

'Y' & 'X' References

Date of mailing (day/month/year)	16/06/2004
Applicant's or agent's file reference RLL-298WO	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/IB 03/04873	International filing date (day/month/year)
31/10/2003	
Applicant RANBAXY LABORATORIES LIMITED	

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Eva Boháčová

✓ MRL

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NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference RLL-298WO	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 03/04873	International filing date (day/month/year) 31/10/2003	(Earliest) Priority Date (day/month/year) 31/10/2003
Applicant RANBAXY LABORATORIES LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 03/04873

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/4178 C07D403/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, CHEM ABS Data, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 03/048135 A (DOLITZKY BEN ZION ; NISNEVICH GENNADY (IL); TEVA PHARMA (IL); KAFTANOV) 12 June 2003 (2003-06-12) the whole document	1-21
X	WO 02/094816 A (AUROBINDO PHARMA LTD) 28 November 2002 (2002-11-28) the whole document	1-21
X	EP 0 324 377 A (DU PONT) 19 July 1989 (1989-07-19) the whole document	1-21
X	WO 01/81336 A (FARKAS JENONE ; FISCHER JANOS (HU); BALLO ILDIKO (HU); CZIBULA LASZLO) 1 November 2001 (2001-11-01) the whole document	1-21
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☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

8 June 2004

Date of mailing of the international search report

16/06/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040. Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Giménez Miralles, J

International Application No.

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Form PCT/ISA/210 (continuation of second sheet) (January 2004)

INTERNATIONAL SEARCH REPORT

nation on patent family members

International Application No

PCT/IB 03/04873

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03048135	A	12-06-2003	WO 03048135 A1	12-06-2003
			US 2004006237 A1	08-01-2004
WO 02094816	A	28-11-2002	BG 107478 A	30-01-2004
			EP 1294712 A1	26-03-2003
			WO 02094816 A1	28-11-2002
			SI 21236 A	31-12-2003
			SK 722003 A3	02-12-2003
EP 0324377	A	19-07-1989	AT 151755 T	15-05-1997
			AT 164520 T	15-04-1998
			AU 2777189 A	13-07-1989
			CA 1338238 C	09-04-1996
			CY 2187 A	08-11-2002
			DE 68927965 D1	22-05-1997
			DE 68927965 T2	24-07-1997
			DE 68928631 D1	07-05-1998
			DE 68928631 T2	22-10-1998
			DK 5189 A	08-07-1989
			EP 0324377 A2	19-07-1989
			EP 0733366 A2	25-09-1996
			ES 2100150 T3	16-06-1997
			ES 2117463 T3	01-08-1998
			FI 890070 A ,B,	08-07-1989
			GR 3024053 T3	31-10-1997
			HU 9500636 A3	28-11-1995
			IE 960772 L	07-07-1989
			JP 3501020 T	07-03-1991
			JP 7025738 B	22-03-1995
			KR 9107213 B1	20-09-1991
			LU 90266 A9	01-10-1998
			MD 28 B1	30-06-1994
			NO 890075 A ,B,	10-07-1989
			NZ 227539 A	26-04-1991
			PT 89401 A ,B	08-02-1990
			SU 1814646 A3	07-05-1993
			RU 2017733 C1	15-08-1994
			WO 8906233 A1	13-07-1989
			US 5138069 A	11-08-1992
			US 5128355 A	07-07-1992
			US 5153197 A	06-10-1992
			US 5155118 A	13-10-1992
			US 5210079 A	11-05-1993
			ZA 8900127 A	26-09-1990
			HU 64038 A2	29-11-1993
			LV 5713 A4	20-08-1995
			US 5354867 A	11-10-1994
WO 0181336	A	01-11-2001	HU 0001618 A2	28-11-2002
			AT 259366 T	15-02-2004
			AU 5499801 A	07-11-2001
			BG 107031 A	29-08-2003
			DE 60102008 D1	18-03-2004
			EE 200200460 A	15-12-2003
			EP 1274702 A1	15-01-2003
			WO 0181336 A1	01-11-2001
			JP 2003531203 T	21-10-2003
			SK 12892002 A3	03-12-2002

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 03/04873

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0181336	A		US 2003078435 A1	24-04-2003
US 5608075	A	04-03-1997	AU 685898 B2	29-01-1998
			AU 1405895 A	10-07-1995
			CA 2179067 A1	29-06-1995
			EP 0736021 A1	09-10-1996
			JP 9507075 T	15-07-1997
			WO 9517396 A1	29-06-1995
US 5138069	A	11-08-1992	AT 113276 T	15-11-1994
			AU 599396 B2	19-07-1990
			AU 7559687 A	21-01-1988
			CA 1334092 C	24-01-1995
			CY 1855 A	05-04-1996
			DE 3750687 D1	01-12-1994
			DE 3750687 T2	23-02-1995
			DK 359687 A	12-01-1988
			EP 0253310 A2	20-01-1988
			ES 2063734 T3	16-01-1995
			FI 873071 A ,B,	12-01-1988
			HK 55495 A	21-04-1995
			HU 45976 A2	28-09-1988
			HU 218461 B	28-08-2000
			IE 69984 B1	16-10-1996
			IL 83153 A	15-12-1991
			KR 9005020 B1	18-07-1990
			KR 9005045 B1	18-07-1990
			LU 88662 A9	01-12-1995
			LV 5486 A3	10-03-1994
			NO 872863 A ,B,	12-01-1988
			PT 85312 A ,B	01-08-1987
			SU 1694062 A3	23-11-1991
			US 5128355 A	07-07-1992
			US 5153197 A	06-10-1992
			US 5155118 A	13-10-1992
			AT 151755 T	15-05-1997
			AT 164520 T	15-04-1998
			AU 2777189 A	13-07-1989
			CA 1338238 C	09-04-1996
			CY 2187 A	08-11-2002
			DE 68927965 D1	22-05-1997
			DE 68927965 T2	24-07-1997
			DE 68928631 D1	07-05-1998
			DE 68928631 T2	22-10-1998
			DK 5189 A	08-07-1989
			EP 0324377 A2	19-07-1989
			EP 0733366 A2	25-09-1996
			ES 2100150 T3	16-06-1997
			ES 2117463 T3	01-08-1998
			FI 890070 A ,B,	08-07-1989
			GR 3024053 T3	31-10-1997
			HU 9500636 A3	28-11-1995
			IE 960772 L	07-07-1989
			JP 3501020 T	07-03-1991
			JP 7025738 B	22-03-1995
			KR 9107213 B1	20-09-1991
			LU 90266 A9	01-10-1998
			MD 28 B1	30-06-1994

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 03/04873

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5859258	A	12-01-1999	AT 214388 T	15-03-2002
			AU 5089898 A	22-05-1998
			BR 9712390 A	31-08-1999
			CN 1241186 A ,B	12-01-2000
			CZ 9901515 A3	13-10-1999
			DE 69711068 D1	18-04-2002
			DE 69711068 T2	12-09-2002
			DK 937068 T3	21-05-2002
			EA 1046 B1	28-08-2000
			EP 0937068 A1	25-08-1999
			ES 2173433 T3	16-10-2002
			HR 970565 A1	31-08-1998
			JP 2000504343 T	11-04-2000
			JP 3249827 B2	21-01-2002
			PT 937068 T	31-07-2002
			SK 57099 A3	14-02-2000
			TW 411338 B	11-11-2000
			WO 9818787 A1	07-05-1998
<hr/>				
WO 0004862	A	03-02-2000	AU 763309 B2	17-07-2003
			AU 5080799 A	14-02-2000
			BR 9912145 A	25-09-2001
			CA 2338256 A1	03-02-2000
			CN 1315853 T	03-10-2001
			EP 1098634 A2	16-05-2001
			HU 0103000 A2	29-05-2002
			JP 2002521315 T	16-07-2002
			NO 20010283 A	19-01-2001
			NZ 509378 A	29-04-2003
			PL 346863 A1	11-03-2002
			TR 200100172 T2	21-05-2001
			WO 0004862 A2	03-02-2000
			US 6517871 B1	11-02-2003
			ZA 200100473 A	23-09-2002